



GUIDANCE NOTICE

The Navigation Act and National Law – Documents issued by recognised classification societies

The *Navigation Act 2012* ('Navigation Act') and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* ('National Law') commenced on 1 July 2013. As a general rule:

- Australian vessels that do not voyage beyond the EEZ, and do not have statutory certificates for voyages beyond EEZ, will be Domestic Commercial Vessels (DCVs) subject to the *National Law*, and
- Australian vessels that voyage beyond the EEZ, or have statutory certificates for voyages beyond the EEZ, will be Regulated Australian Vessels (RAVs) subject to the RAV provisions of the Navigation Act.

This guidance notice provides information about the implications of the new legislation for operators of Australian vessels that are "Classed".

Who are the Recognised Classification Societies?

AMSA Recognised Classification Societies are currently:

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- Det Norske Veritas (DNV)
- Lloyds Register (LR)
- Nippon Kaiji Kyokai (NKK)
- China Classification Society (CCS)
- RINA Services S.p.A
- Korean Register of Shipping (KR)

Statutory Certificates versus non-statutory documents

Each Recognised Classification Society is an "issuing body" under the Navigation Act. This means they will have the power to issue Certificates under the Navigation Act. Those statutory certificates have the same effect as if issued by AMSA.

Classification Societies also produce various documents that do not have statutory force. These non-statutory documents may nonetheless provide evidence that a vessel meets an applicable standard.

Recognised Classification Societies are not issuing bodies under the *National Law*. Only AMSA, as the National Regulator, has power to issue certificates under *National Law*. However, documents issued by Recognised Classification Societies may be used to support applications for *National Law* Certificates of Survey.

What if my Australian vessel has a Statutory Certificate and I want it to be a RAV under the Navigation Act?

You don't need to do anything. The general rule is that if an Australian vessel has a certificate issued by an issuing body (such as Recognised Classification Societies) under the Navigation Act, the vessel will be subject to the RAV provisions of the Navigation Act, even if the vessel engages exclusively in near-coast voyages. The exception is MARPOL Certificates. Vessels that have MARPOL Certificates issued under the Navigation Act are not automatically captured by the RAV provisions. If the vessel has (or also has) SOLAS Certificates, it will be captured by the RAV provisions.

What if I have to, or want to, keep my Australian vessel 'Classed', but I want it to be a DCV?

Owners/operators of DCVs must not obtain a Statutory Certificate from a Recognised Classification Society, unless the owner/operator intends the vessel to become a RAV under the Navigation Act, instead of a DCV. The exception is MARPOL Certificates.

DCVs that trigger the cargo, size or other criteria for the application of the various Annexes of MARPOL must obtain the corresponding Navigation Act Certificates from a Recognised Classification Society.

DCVs that trigger the length or tonnage criteria for load line survey and marking must obtain a Load Line Certificate from the National Regulator, under Marine Order 507.

Vessels designed, constructed and maintained in accordance with Recognised Classification Society Rules are deemed to satisfy the construction standards of the National Standard for Commercial Vessels (NSCV). Under the NSCV Part C3, a vessel of 35m or more in length must be 'Classed'. Vessels under that length may choose to remain in Class.

Owners/operators of DCVs that must be, or have chosen to remain, in Class, will still need to obtain a National Law Certificate of Survey (CoS), unless the vessel is exempt from survey.

To obtain a National Law CoS, owners/operators will need to apply to a Delegate of the National Regulator and provide evidence to satisfy the Delegate that the vessel meets the applicable construction and equipment standards in the NSCV.

The following Recognised Classification Society documents may be provided to Delegates as proof of compliance with construction and equipment standards:

- Any documentation of compliance or equivalent;
- Any additional (if any) material or evidence relied upon by the Class Society in their assessment of compliance;
- Documentation relating to equipment (if applicable), including safety equipment; and
- Documentation relating to any interaction with a surveyor (if applicable).

The following documents issued by a recognised Classification Society will be sufficient to satisfy the Delegate that a vessel meets the Construction standards of the NSCV, unless the Delegate has substantial reasons to believe otherwise:

- Material test certificates
- Stamped vessel drawings
- Tonnage Certificates
- Stamped stability books
- Ship Safety Construction Certificates
- Statements/Certificates of Compliance

- International Oil Pollution Prevention Certificates
- Interim Class Certificates
- MARPOL Certificates
- ILO Certificates
- Coatings Certificates
- Quality Management Certificates

The following documents issued by a recognised Classification Society will be sufficient to satisfy the Delegate that a vessel meets the Equipment standards of the NSCV, unless the Delegate has substantial reasons to believe otherwise:

- Safety Equipment Certificates
- Radio certificates
- Other statements / documents of compliance

There may be circumstances in which a Delegate may have substantial reasons to believe a vessel in Class does not meet the construction or equipment standards of the NSCV. An example might include an unauthorised alteration of the vessel without Class approval which comes to the attention of the National Regulator

In those, or any other circumstances the delegate sees fit the National Regulator may require the vessel to be inspected by an attested/accredited surveyor, before deciding whether to issue a National Law CoS.

Note: Conditions on National System Certificates of Survey

As well as any conditions imposed on the certificate by the Delegate, all National Law Certificates of Survey (COS) are subject to statutorily-imposed conditions. Those conditions are set out in paragraph 7 of *Marine Order 503*.